

AppL No.: 09/666,866

AMENDMENT AFTER FINAL

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45  
46. (New) The stent of claim 44 wherein each serpentine circumferential band comprises a pattern of interconnected struts, the pattern of at least one circumferential band being different than the pattern of adjacent serpentine circumferential bands.

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47. (New) The stent of claim 44 wherein the stent is expandable from an unexpanded state to an expanded state and each serpentine circumferential band comprises a pattern of interconnected struts, in the unexpanded state at least a portion of the interconnected struts being parallel to one another.

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48. (New) The stent of claim 44 constructed and arranged to be self-expanding.

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49. (New) The stent of claim 44 constructed and arranged to be balloon expandable.

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50. (New) The stent of claim 44 wherein the stent is constructed from a shape memory material.

### REMARKS

This Amendment is in response to the Final Office Action mailed July 30, 2002 wherein pending claims 16-21, 23, 24, and 26-35 were rejected.

The specific rejections to the claims are addressed in the following paragraphs, which have paragraph headings corresponding to the order of the rejections presented in the Final Office Action.

#### Claim Rejection - 35 USC 112, First Paragraph

In the Office Action claims 26-35 were rejected under §112, first paragraph. Upon further consideration, Applicants have cancelled claims 26-35 in light of the rejection.

#### Claim Rejection - 35 USC 112, Second Paragraph

In the Office Action claims 16-35 were rejected under §112, second paragraph. As an initial matter, Applicant respectfully point out that claims 22 and 25 were previously cancelled from the Application.

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In response to the rejection, Applicants note that in responding to the Office Action of December 20, 2001, Applicants indicated the support for those elements to which the Office Action indicated were not clear, and which continue to be identified as being unclear in the present Final Office Action. However, in an effort to further prosecution of the instant Application, Applicants have chosen to cancel claims 16-21, 23, 24, and 26-35 and introduce the new set of claims presented above.

**Claim Rejections Based on Prior Art**

In light of the cancellation of claims 16-35 in light of the above, the rejections to the claims based on 35 U.S.C. §102 and/or §103 have been rendered mute.

**FORMALITIES**

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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**CONCLUSION**

In view of the foregoing it is believed that the present application, with claims 36-50 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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